



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING MINUTES:</b>	<b>BOARD OF ARCHITECTS</b>
<b>MEETING DATE AND TIME:</b>	<b>Wednesday, December 1, 2010 at 1:30 p.m.</b>
<b>PLACE:</b>	<b>861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware</b>
<b>MINUTES APPROVED:</b>	<a href="#">January 5, 2011</a>

**MEMBERS PRESENT**

Kenneth Freemark, RA, Professional Member  
John Mateyko, RA, Professional Member  
Kevin Wilson, RA, Professional Member  
Peter Jennings, RA, Professional Member  
Brian Lewis, Public Member  
Prameela Kaza, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Andrew Kerber, Deputy Attorney General  
Nicole M. Williams, Administrative Specialist II

**ABSENT**

Jean McCool, RA, Professional Member, President  
Joseph Schorah, Public Member, Secretary  
Elizabeth Happoldt, Public Member

**OTHERS PRESENT**

Nancy Payne

**1.0 Call to Order**

Mr. Kerber advised the Board to nominate a member to Chair the meeting for today. A motion was made by Mr. Mateyko to nominate Mr. Freemark to Chair the meeting for today, seconded by Ms. Kaza. Motion carried unanimously.

Mr. Freemark called the meeting to order at 1:37 p.m.

## **2.0 Review and Approval Of Minutes**

The Board reviewed the minutes from the November 3, 2010 meeting. Mr. Kaza made a motion to approve the minutes with the correction to Mr. Wilson being listed as a public member, seconded by Mr. Wilson. Motion carried unanimously.

Mr. Peter Jennings has been reappointed to serve on the Board once again as he has replaced Ms. Bardol. The Board welcomed Mr. Jennings back to the Board.

## **3.0 Unfinished Business**

### **Review of Unlicensed Activity Letters**

Mr. Kerber advised the Board that there was no new information regarding this matter to report.

## **4.0 New Business**

### **Ratification of Certificate of Authorization Applications**

Ms. Williams advised the Board that the attached listing of COA's have been issued since the last Board; therefore the Board needs to make a motion to ratify the listing for approval.

Mr. Jennings made a motion to ratify the listing for approval, seconded by Mr. Wilson. Motion carried unanimously.

Mr. Jennings requested to have the COA listing updated to reflect the DE location for those out of state businesses that have a DE location. Ms. Williams will update the ratification listing for the next meeting in January to reflect the additional information requested by Mr. Jennings.

### **Review of Reciprocity Applications – NCARB Certificate – Ratify Listing**

Harold Sachs II  
Michael McGovern  
James Williams  
Timothy Crosby  
Freddy Frederick  
Jessica Zeigler-Cihlar  
Charles Raith

Mr. Mateyko made a motion, seconded by Ms. Kaza to ratify the listing of approved reciprocity applications by NCARB certification to the above licensees. Motion carried unanimously.

### **Review of Reciprocity NCARB Reapplication**

Wayne L. Hughes – Ms. Williams advised the Board that Mr. Mateyko is reviewing the application file for Mr. Hughes. Mr. Mateyko advised that he will need a few additional minutes to review the application file before he can make a recommendation. The Board agreed to provide Mr. Mateyko additional time to review the application file for Mr. Hughes and therefore proceeded to the next agenda item for the Sussex County Letter.

Mr. Mateyko reviewed the reapplication for Ms. Kaza and advised that all was in order. Mr. Freemark made a motion to approve Mr. Hughes for licensure as a registered architect as he will be issued a new license number and must obtain a new seal, seconded by Mr. Jennings. Motion carried unanimously.

### **Sussex County Letter RE: 5,000 sf. Rule**

Ms. Williams advised the Board that Ms. McCool requested to have this agenda item added to the agenda. Mr. Kerber advised the Board that he has reviewed the letter and it essentially states that the

Sussex County code will allow buildings of any type that are less than 5,000 square feet to be planned without the seal or stamp of an architect or engineer; however Mr. Kerber advised that the Delaware architect statute specifically states that this is a violation of the statute unless there is an exemption.

Mr. Kerber further advised that it appears that Sussex County is currently allowing the unlicensed practice of architecture and engineering by permitting the construction of buildings that are less than 5,000 square feet without plans that are sealed or stamped by an architect or engineer. Mr. Kerber advised that the Board could consider filing a declaratory judgment action against Sussex County with the Superior Court to establish that the State's statutes on architect and engineer licensing prevail over the Sussex County code.

Mr. Kerber advised that it may be in the Board's best interest to discuss this matter further at the next meeting when Ms. McCool is able to attend. The Board decided to proceed with discussion on this matter at this time.

Mr. Kerber advised that he will obtain approval from the Justice Department to move forward on this matter if needed and then will draft a letter and have the Board decide if the letter should come from the Board of Architects or the Justice Department. Ms. Williams will add the draft letter to the January agenda.

Mr. Jennings provided a brief background to this matter regarding the practice of architecture/engineering and both professions statutes.

Mr. Kerber advised that immediately following this meeting he will be going to the Ethics Committee of the Delaware Association of Engineers to discuss this matter.

The Board further discussed.

Ms. Kaza made a motion to review the Sussex County letters provided and Mr. Kerber draft a response letter on behalf of the Board to review and discuss at the next meeting by, seconded by Mr. Freemark. Motion carried unanimously.

Mr. Wilson advised the Board that there was prior discussion regarding complaints in the AG's office and Mr. Kerber was supposed to follow up and report back to the Board. Mr. Kerber updated the Board regarding this matter.

Mr. Wilson advised that he is not aware of the penalty for unlicensed practice but is aware of the penalty for not completing the required continuing education, which was \$1,500. Mr. Kerber provided some background information regarding the continuing education civil penalty and the process taken by the Board in handling those insufficient continuing education matters.

Mr. Jennings advised that the Board has been having issues over the past many years with unlicensed practice and those types of complaints being dismissed by the Attorney General's office and subsequently have had issues with lapsed licensee's still practicing and no disciplinary actions being taken against the licensee by the Board.

Mr. Mateyko advised to have a meeting with someone regarding these issues of unlicensed practice and complaints and to receive some feedback on the appropriateness of the penalty. Mr. Mateyko advised that there seems to be some inequity in the Board's penalty for unlicensed practice and non-compliance to the continuing education requirement.

Mr. Kerber advised that he will take the Board's concerns to the State Solicitor, Mr. Larry Lewis, and attempt to send a request to Mr. Lewis to meet with the Board to discuss their concerns. There was no further discussion. The Board referred back to the application for Mr. Hughes for a recommendation.

**5.0 Other Business Before the Board (for discussion only)**

Mr. Kerber advised the Board that he received a phone call from the General Counsel of Delaware Park as they have a staff architect practicing architecture in Delaware for the park only and asks if they need to have a Certificate of Authorization. Mr. Kerber advised that section 312A of the statute states "to use architecture as a vehicle to practice architecture on the behalf of others", and in this case this architect is not providing or offering architect services to the general public; therefore no Certificate of Authorization is needed. The Board agreed and there was no further discussion.

**6.0 Public Comment**

There was no public comment.

**7.0 Next Scheduled Meeting**

The next meeting will be held on January 5, 2011 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

**8.0 Adjournment**

With no further business before the board, Mr. Jennings made a motion to adjourn the meeting, seconded by Mr. Mateyko. The motion carried unanimously. The meeting adjourned at 2:35 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Williams".

Nicole M. Williams  
Administrative Specialist II